

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONALD COLE BURCHETT,

Plaintiff,

vs.

DR. KENNDY,

Defendant.

NO. CV-08-061-JLQ

ORDER DISMISSING ACTION

By Order filed May 25, 2008, the court directed Mr. Burchett, a *pro se* prisoner at the Spokane County Jail, to pay the full \$350.00 filing fee for this action as required by 28 U.S.C. § 1914(a). Plaintiff was precluded from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g). The court cautioned Plaintiff, if he failed to pay, such failure would be construed as his consent to dismissal of this action. Plaintiff did not comply and he has filed nothing further in this action.

Accordingly, **IT IS ORDERED** this action is **DISMISSED without prejudice** for failure to comply with the filing fee requirements of 28 U.S.C. § 1914(a).

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Plaintiff and close the file.

DATED this 24th day of July, 2008.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE